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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (S) No. 1180 of 2008

Petitioner

Narmada Prasad Sharma, aged about 58 years, s/o. Late Shri Haricharan Sharma, working as Assistant Revenue Inspector, Office of the Nagar Palika Nigam, Jagdalpur (CG).

Versus

Respondents

- 1) State of Chhattisgarh through the Secretary, Environment and Urban Development Department, Mantralaya, D.K.S. Bhawan, Raipur (CG).
- 2) Managing Director, Chhattisgarh Infrastructure Development Corporation, Raipur (CG).
- 3) The Commissioner, Municipal Corporation, Jagdalpur (CG).
- 4) The Divisional Manager C.I.D.C., (Transport Department) Divisional Office, Aamanaka, Raipur (CG).

(Writ Petition under Article 226/227 of Constitution of India)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Mr. Sameer Behar, Advocate for the petitioner.
Mr. Arun Sao, Govt. Advocate for the State.

ORAL ORDER

(Passed on this 28th day of February, 2009)

By this petition, the petitioner impugns the order dated 7-2-1999 (Annexure P/1) passed by the respondent No.2/Divisional Manager, CIDC, Aamanaka, Raipur, whereby the petitioner has been directed to retire on attaining the age of superannuation with effect from 28-2-2009.

2) Learned counsel appearing for the petitioner submits that the petitioner is 58 years old as on date, therefore, he cannot be retired, as the age of superannuation is 60 years. On query to show some documents in support of his submission that the age of retirement is 60 years, the petitioner is not in a position to submit any document.

3) Per contra, Mr. Arun Sao, learned counsel appearing for the respondents/State, submits that the impugned order is just and proper. The age of retirement is 58 years, not 60 years. The petitioner has failed to produce any document in support of his case.

4) On perusal of the impugned order, it is evident that the petitioner was directed to retire on attaining the age of superannuation counting his date of birth from 1-3-1951. There is no sufficient material and this court cannot adjudicate the issue on self-statement made by the petitioner. Further, learned counsel for the petitioner is not interested in taking some time to submit the document that the age of superannuation is 60 years, in support of his case. Learned counsel insists on deciding the case on available documents. On the material available, there is no merit in the case.

5) In view of foregoing, this petition is dismissed summarily. Consequently, I.A.No.1 also stands dismissed.

Sd/-
Satish K. Agnihotri
Judge